



General Assembly

January Session, 2017

Raised Bill No. 7055

LCO No. 3839



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING THE NOTIFICATION OF STATE CONSTRUCTION CONTRACT OPPORTUNITIES, PARKING SPACES, SEAT BELTS, MOTORCYCLE OPERATORS, WAYSIDE HORNS, THE DISPOSITION OF EXCESS STATE PROPERTY, HEAVY DUTY TRAILERS AND FLASHING LIGHTS ON MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10a-109n of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2017*):

4 (c) (1) Any construction contract to which the university is a party
5 may include a provision that the design professional who designed the
6 project, or an architect or professional engineer or construction
7 manager retained or employed specifically for the purpose of
8 supervision, may supervise the work to be performed through to
9 completion and ensure that the materials furnished and the work
10 performed are in accordance with the drawings, plans, specifications
11 and contracts therefor.

12 (2) (A) Except as provided in subparagraph (B) of this subdivision,
13 any total cost basis contract or other contract for the construction of a
14 university project which is estimated to cost more than five hundred
15 thousand dollars, shall be publicly let by the university. The university
16 shall give notice to contractors interested in prequalifying to submit a
17 project proposal or bid, by [advertising, at least once, in one or more
18 newspapers having general circulation in the state and by posting the
19 advertisement] posting any such notice on the university web site and
20 on the State Contracting Portal. The notice to prequalify shall contain
21 the requirement that contractors be prequalified pursuant to section
22 4a-100, a statement of the time and place where the responses shall be
23 received and such additional information as the university deems
24 appropriate. Upon receipt of such responses, the university shall select
25 each contractor who has been prequalified pursuant to section 4a-100
26 and has shown itself able to post surety bonds required by such
27 contract and has demonstrated that it possesses the financial,
28 managerial and technical ability and the integrity necessary and
29 without conflict of interest for faithful and efficient performance of the
30 work provided for therein. The university shall evaluate whether each
31 such contractor is responsible and qualified based on its experience
32 with projects similar to that for which the bid or proposal is to be
33 submitted and based on objective written criteria included in the
34 application to request prequalification with respect to such contract.
35 The university shall also consider whether a contractor, and any
36 subcontractor on the contractor's previous projects, has been in
37 compliance with the provisions of part III of chapter 557 and chapter
38 558 during the previous five calendar years.

39 (B) Notwithstanding the provisions of subparagraph (A) of this
40 subdivision, the board of trustees may approve a total cost basis
41 contract or other contract for the construction of a university project
42 which is estimated to cost more than five hundred thousand dollars
43 that has not been publicly let pursuant to the provisions of said
44 subparagraph (A), provided the board deems the contract to address

45 an emergency.

46 (3) The university shall thereafter give notice to those so
47 prequalified by the university pursuant to subdivision (2) of this
48 section of the time and place where the public letting shall occur and
49 shall include in such notice such information of the work required as
50 appropriate. Each bid or proposal shall be kept sealed until opened
51 publicly at the time and place as set forth in the notice soliciting such
52 bid or proposal. The university shall not award any construction
53 contract, including, but not limited to, any total cost basis contract,
54 after public letting, except to the responsible qualified contractor,
55 submitting the lowest bid or proposal in compliance with the bid or
56 proposal requirements of the solicitation document. The university
57 may, however, waive any informality in a bid or proposal, and may
58 either reject all bids or proposals and again advertise for bids or
59 proposals or interview at least three responsible qualified contractors
60 and negotiate and enter into with any one of such contractors that
61 construction contract which is both fair and reasonable to the
62 university.

63 (4) The notice to each contractor prequalified to submit a proposal
64 or bid and the construction contract, including each total cost basis
65 contract, awarded by the university shall contain such other terms and
66 conditions, and such provisions for penalties as the university may
67 deem appropriate.

68 (5) No payments shall be made by the university on account of any
69 contract for the project awarded by or for the university until the bills
70 or estimates presented for such payment shall have been duly certified
71 to be correct by the university. No payments shall be made from any
72 other fund on account of any contract for any project awarded by or
73 for the university until the bills or estimates presented for such
74 payment shall have been duly certified to be correct by the university.

75 (6) Provision shall be made in each contract to the effect that

76 payment is limited to the amount provided therein and that no liability
77 of the university or state shall and may be incurred beyond such
78 amount.

79 (7) The university shall require, for the protection of the state and
80 the university, such deposits, bonds and security in connection with
81 the submission of bids or proposals, the award of construction
82 contracts and the performance of work as the university shall
83 determine to be appropriate and in the public interest of the state.

84 (8) Any contract awarded by the university shall be a contract with
85 the state acting through the university.

86 (9) The university shall not enter into a construction manager at-risk
87 project delivery contract that does not provide for a maximum
88 guaranteed price for the cost of construction which shall be
89 determined not later than the time of the receipt and approval by the
90 university of the trade contractor bids. Each construction manager at-
91 risk shall invite bids and give notice of opportunities to bid on project
92 elements, by [advertising, at least once, in one or more newspapers
93 having general circulation in the state and by posting the
94 advertisement] posting any such invitation or notice on the [Internet]
95 State Contracting Portal. Each bid shall be kept sealed until opened
96 publicly at the time and place as set forth in the notice soliciting such
97 bid. The construction manager at-risk shall, after consultation with and
98 approval by the university, award any related contracts for project
99 elements to the responsible qualified contractor, who shall be
100 prequalified pursuant to section 4a-100, submitting the lowest bid in
101 compliance with the bid requirements, provided (A) the construction
102 manager at-risk shall not be eligible to submit a bid for any such
103 project element, and (B) construction shall not begin prior to the
104 determination of the maximum guaranteed price, except for the project
105 elements of site preparation and demolition that have been previously
106 put out to bid and awarded.

107 (10) If the university designates a project as suitable for a design-
108 build contract, the university may enter into a single contract with a
109 design-builder recommended by a selection panel and selected by the
110 university. The university shall give notice of such project and
111 specifications for such project by posting such notice on the [Internet]
112 State Contracting Portal. The university shall establish a selection
113 panel for each project to score the qualifications and past performance
114 of each design-builder who submits a competitive proposal to the
115 university for such project. The selection panel shall score the
116 qualifications and past performance of each design-builder using a
117 predetermined scoring method developed by the university and
118 provided to each design-builder in advance of such design-builder's
119 development of the competitive proposal. The selection panel's scoring
120 method may be unique to each project, but shall consist of combining
121 the score of each design-builder's qualifications and past performance
122 and evaluating the technical merit of the competitive proposal and
123 each design-builder's projected project cost. The design-build contract
124 shall (A) include, but not be limited to, such project elements as
125 permitting, engineering, design, construction and, if applicable, site
126 acquisition, and (B) be based on the competitive proposal submitted by
127 the design-builder that is selected by the university. No design-build
128 contract for which the total cost is estimated to be more than five
129 hundred thousand dollars may be awarded to a design-builder who is
130 not prequalified for the project in accordance with section 4a-100. Such
131 design-build contracts shall state the responsibilities of the design-
132 builder to deliver a completed and acceptable project on a date certain
133 and the maximum costs of the project and, if applicable, as a separate
134 item, the cost of any site acquisition. The university shall determine all
135 other requirements and conditions for such competitive proposals,
136 selection of a design-builder and other awards and shall have sole
137 responsibility for all other aspects of such design-build contracts.

138 Sec. 2. Subsections (b) and (c) of section 13a-95b of the general
139 statutes are repealed and the following is substituted in lieu thereof

140 *(Effective October 1, 2017):*

141 (b) If the commissioner designates a project to use a construction-
142 manager-at-risk contract with a guaranteed maximum price, the
143 commissioner may have the project designed by department personnel
144 or enter into a contract with an architect or engineer for the project
145 design, and may also enter into a contract with a construction-
146 manager-at-risk contractor who will provide input during the design
147 process and may be responsible for the construction of the project. The
148 commissioner may permit the contractor to self-perform a portion of
149 the construction work if the commissioner determines that the
150 construction manager general contractor can perform the work more
151 cost-effectively than a subcontractor. All work not performed by the
152 construction manager general contractor shall be performed by trade
153 subcontractors selected by a process approved by the commissioner.
154 The construction-manager-at-risk contract shall have an established
155 guaranteed maximum price. In the event that a guaranteed maximum
156 price cannot be agreed upon, the commissioner may elect to call for
157 bids on the project as provided for pursuant to section 13a-95. The
158 commissioner may select the architect, engineer or contractor from
159 among the contractors selected and recommended by a selection panel.
160 Any such contract for such project shall be based upon competitive
161 proposals received by the commissioner, who shall give notice of the
162 project, by advertising [at least once, in a newspaper having a
163 substantial circulation in the area in which the project is located, and
164 may give notice] on the Department of Administrative Services State
165 Contracting Portal, or use other advertising methods likely to reach
166 qualified construction manager general contractors. Award of any
167 such contract shall be based upon the general conditions and staff costs
168 plus qualitative criteria. The commissioner shall establish all criteria,
169 requirements and conditions of such proposals and award and shall
170 have sole responsibility for all other aspects of the project. Any
171 contract shall clearly state the responsibilities of the contractor to
172 deliver a completed and acceptable project on a date certain, the

173 maximum cost of the project, and, if applicable, as a separate item, the
174 cost of property acquisition.

175 (c) If the commissioner designates a project to use a design-build
176 contract, the commissioner may enter into a single contract with the
177 design-builder, who the commissioner may select from among the
178 design-builders selected and recommended by a selection panel. The
179 contract shall (1) include, but not be limited to, such project elements
180 as site acquisition, permitting, engineering design and construction,
181 and (2) be based on competitive proposals received by the
182 commissioner, who shall give notice of the project and specifications
183 for the project, by advertising [, at least once, in a newspaper having a
184 substantial circulation in the area in which the project is located, and,
185 at the commissioner's discretion,] on the Department of Administrative
186 Services State Contracting Portal, and may use other advertising
187 methods likely to reach qualified design-build contractors. Award of
188 the design-build contract shall be based on a predetermined metric
189 provided to proposers in advance of technical proposal development.
190 This metric may be unique to each project, but shall consist of a
191 combined score of qualifications and past performance of the proposer,
192 technical merit of the proposal and cost. The commissioner shall
193 establish a selection panel for each project to score the qualifications
194 and past performance and technical portion of the proposal using the
195 predefined scoring metric. The sealed cost portion of the proposal shall
196 be opened in a public ceremony only after the qualifications and past
197 performance and technical portions of the proposals have been scored.
198 The commissioner shall determine all criteria, requirements and
199 conditions for such proposals and award and shall have sole
200 responsibility for all other aspects of the contract. Such contract shall
201 state clearly the responsibilities of the design-builder to deliver a
202 completed and acceptable project on a date certain, the maximum cost
203 of the project, and, if applicable, as a separate item, the cost of property
204 acquisition.

205 Sec. 3. Section 13b-20g of the general statutes is repealed and the

206 following is substituted in lieu thereof (*Effective October 1, 2017*):

207 Whenever there is a need to engage a consultant, the Commissioner
208 of Transportation shall notify all firms that are prequalified in
209 accordance with section 13b-20e in the category of services being
210 sought by the department. If the prequalified list contains fewer than
211 five consulting firms or does not include the area of expertise required
212 by the department, the commissioner shall publish a notice in
213 appropriate professional magazines, professional newsletters or on-
214 line professional web sites, indicating the general scope of the
215 assignment and requesting responses in accordance with subsection
216 (b) of section 13b-20e, and [at least once in one or more newspapers
217 having a circulation in each county of the state] on the Department of
218 Administrative Services State Contracting Portal. Responses shall be
219 received at the Department of Transportation not later than fourteen
220 days after the last date on which the notice is published, unless
221 additional time is specifically authorized by the commissioner, or not
222 later than any specific date set forth in such notice. For certain
223 specialized projects the notice may also solicit a full work proposal in
224 addition to the technical qualifications of a firm.

225 Sec. 4. Subsection (h) of section 14-253a of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective*
227 *October 1, 2017*):

228 (h) Parking spaces designated for persons who are blind and
229 persons with disabilities on or after October 1, 1979, and prior to
230 October 1, 2004, shall be as near as possible to a building entrance or
231 walkway and shall be fifteen feet wide including three feet of cross
232 hatch, or parallel to a sidewalk on a public highway. On and after
233 October 1, [2004] 2017, parking spaces for passenger motor vehicles
234 designated for persons who are blind and persons with disabilities
235 shall be as near as possible to a building entrance or walkway and
236 shall be fifteen feet wide including five feet of cross hatch, or parallel
237 to a sidewalk on a public highway. On and after October 1, [2004] 2017,

238 parking spaces for passenger vans designated for persons who are
239 blind and persons with disabilities shall be as near as possible to a
240 building entrance or walkway and shall be sixteen feet wide including
241 eight feet of cross hatch, or parallel to a sidewalk on a public highway.
242 Such spaces shall be designated by above grade signs with white
243 lettering against a blue background and shall bear the words
244 "handicapped parking permit required" and "violators will be fined".
245 Such [sign] signs shall also bear the international symbol of access. [On
246 and after January 1, 2017, whenever] Whenever such a sign is replaced,
247 repaired or erected it shall bear the words "reserved parking permit
248 required" and "violators will be fined", bear the symbol of access and
249 indicate the minimum fine for a violation of subsection (f) of this
250 section. Such indicator may be in the form of a notice affixed to such a
251 sign.

252 Sec. 5. Subdivision (1) of subsection (c) of section 14-100a of the
253 general statutes is repealed and the following is substituted in lieu
254 thereof (*Effective October 1, 2017*):

255 (c) (1) The operator of and any [front seat] passenger in any motor
256 vehicle or fire fighting apparatus originally equipped with seat safety
257 belts complying with the provisions of 49 CFR 571.209, as amended
258 from time to time, shall wear such seat safety belt while the vehicle is
259 being operated on any highway, except as follows:

260 (A) A child six years of age and under shall be restrained as
261 provided in subsection (d) of this section; and

262 (B) The operator of such vehicle shall secure or cause to be secured
263 in a seat safety belt any passenger seven years of age or older and
264 under sixteen years of age. [; and]

265 [(C) If the operator of such vehicle is under eighteen years of age,
266 such operator and each passenger in such vehicle shall wear such seat
267 safety belt while the vehicle is being operated on any highway.]

268 Sec. 6. Section 14-289g of the general statutes is repealed and the
269 following is substituted in lieu thereof (*Effective October 1, 2017*):

270 (a) No person [under eighteen years of age] may (1) operate a
271 motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be
272 a passenger on a motorcycle or motor-driven cycle, unless such
273 operator or passenger is wearing protective headgear of a type which
274 conforms to the minimum specifications established [in] by regulations
275 adopted under subsection (b) of this section.

276 (b) The Commissioner of Motor Vehicles may adopt regulations, in
277 accordance with the provisions of chapter 54 and 49 CFR 571.218, as
278 amended from time to time, establishing specifications for protective
279 headgear for use by operators and passengers of motorcycles.

280 (c) Any person who violates any provision of subsection (a) of this
281 section shall have committed an infraction and shall be fined not less
282 than ninety dollars.

283 [(b)] (d) As used in this section, the term "motorcycle" shall not
284 include "autocycle".

285 Sec. 7. Subsection (b) of section 13b-329 of the general statutes is
286 repealed and the following is substituted in lieu thereof (*Effective*
287 *October 1, 2017*):

288 (b) A wayside horn may be used in lieu of a horn attached to an
289 engine at any highway-rail grade crossing equipped with an active
290 warning system consisting of, at a minimum, flashing lights and gates.
291 Such wayside horn shall [(1)] conform to the federal requirements for
292 wayside horn use [, and (2) sound at a minimum of twenty-nine
293 seconds prior to the train's arrival at the crossing, while the lead
294 locomotive is traveling across the crossing and occasionally thereafter
295 until such engine has crossed such highway] set forth in 49 CFR 222.59,
296 as amended from time to time. Any entity installing a wayside horn
297 shall comply with the federal requirements for written notice set forth

298 in 49 CFR 222. For the purposes of this section, "wayside horn" has the
299 same meaning as provided in 49 CFR 222.9, as amended from time to
300 time.

301 Sec. 8. Subsection (b) of section 13a-80 of the general statutes is
302 repealed and the following is substituted in lieu thereof (*Effective*
303 *October 1, 2017*):

304 (b) The Department of Transportation shall obtain a full appraisal
305 on excess property prior to its sale and shall hold a public bid or
306 auction for all properties determined to be legal lots of record. If the
307 department does not receive any bids at the initial public bid or
308 auction, the department may continue to market the property and
309 accept offers for sale or hold another bid or auction. Transfers to other
310 state agencies and municipalities for purposes specified by the
311 department shall be exempt from the appraisal requirement. The
312 department shall offer parcels that are legal lots of record to other state
313 agencies [, and to any municipality in which any such parcel is located,
314 before holding] prior to a public bid or auction and shall offer parcels
315 that are not legal lots of record to [all] abutting landowners in
316 accordance with department regulations. If the sale or transfer of
317 property pursuant to this section results in the existing property of an
318 abutting landowner becoming a nonconforming use, pursuant to local
319 zoning requirements, the commissioner may sell or transfer the
320 property to such abutting landowner without public bid or auction.
321 The department shall obtain a second appraisal if the value of such
322 property is more than two hundred fifty thousand dollars and is to be
323 sold to an abutting landowner or in accordance with the provisions of
324 subsection (c) of this section. Any appraisals shall be obtained prior to
325 the determination of a sale price of the excess property.

326 Sec. 9. Section 14-24 of the general statutes is repealed and the
327 following is substituted in lieu thereof (*Effective October 1, 2017*):

328 The [commissioner] Commissioner of Motor Vehicles may, if in [his]

329 the commissioner's opinion it is equitable, grant a special registration
330 and furnish a special set of number plates or markers, limited or
331 unlimited as [he] the commissioner deems advisable, for the operation
332 of heavy duty trailers for the transportation of heavy construction
333 equipment, of cranes or other heavy construction equipment upon the
334 streets and highways of this state from the railroad station or the
335 storage yard to the construction job, or from one construction job to
336 another. Each movement of such trailer, when loaded, crane or other
337 heavy construction equipment shall require a limited or unlimited
338 written permit from the Commissioner of Transportation, unless it is
339 operating with an [oversize-overweight account code number, and a
340 confirmation number] annual permit furnished by said commissioner
341 pursuant to section 14-270. The Commissioner of Transportation shall
342 issue for each such vehicle operating with such an [account code
343 number] annual permit a document which identifies the vehicle and
344 states the date of issue and date of expiration. The original document,
345 as furnished by the Commissioner of Transportation, shall be carried
346 in the vehicle. The markers or number plates furnished by the
347 Commissioner of Motor Vehicles shall be displayed in a prominent
348 place on the rear of the vehicle. Such registration may be revoked or
349 suspended at the discretion of the commissioner. Nothing in this
350 section shall be construed to prevent the commissioner from issuing
351 temporary registrations for vehicles of this class. The commissioner
352 may, upon receipt of a certified copy of a permit granted under the
353 provisions of section 13a-117, grant to the person named in the permit
354 a special registration and furnish a special set of number plates or
355 markers, limited or unlimited, as specified in the permit, which permit
356 shall be a part of such registration. [The registered gross weight of any
357 tractor-trailer unit, where the trailer is registered as a heavy duty
358 trailer, shall be the light weight of the tractor plus the gross weight of
359 the heavy duty trailer.]

360 Sec. 10. Subsection (f) of section 14-96q of the general statutes is
361 repealed and the following is substituted in lieu thereof (*Effective*

362 October 1, 2017):

363 (f) The commissioner may issue a permit for a yellow or amber light
 364 or lights, including flashing yellow or amber lights, which may be
 365 used on motor vehicles or equipment that are (1) specified in
 366 subsection (e) of this section, (2) maintenance vehicles as defined in
 367 section 14-1, or (3) vehicles transporting or escorting any vehicle or
 368 load or combinations thereof, which is or are either oversize or
 369 overweight, or both, and being operated or traveling under a permit
 370 issued by the Commissioner of Transportation pursuant to section 14-
 371 270. A yellow or amber light or lights, including flashing yellow or
 372 amber lights, may be used without obtaining a permit from the
 373 Commissioner of Motor Vehicles on wreckers registered pursuant to
 374 section 14-66, [or] on vehicles of carriers in rural mail delivery service
 375 or on vehicles operated by construction inspectors employed by the
 376 state of Connecticut, authorized by the Commissioner of
 377 Transportation, used during the performance of inspections on behalf
 378 of the state. The Commissioner of Transportation shall maintain a list
 379 of such authorized construction inspectors, including the name and
 380 address of each inspector and the registration number for each vehicle
 381 on which the lights are to be used.

| | | |
|---|-----------------|--------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2017 | 10a-109n(c) |
| Sec. 2 | October 1, 2017 | 13a-95b(b) and (c) |
| Sec. 3 | October 1, 2017 | 13b-20g |
| Sec. 4 | October 1, 2017 | 14-253a(h) |
| Sec. 5 | October 1, 2017 | 14-100a(c)(1) |
| Sec. 6 | October 1, 2017 | 14-289g |
| Sec. 7 | October 1, 2017 | 13b-329(b) |
| Sec. 8 | October 1, 2017 | 13a-80(b) |
| Sec. 9 | October 1, 2017 | 14-24 |
| Sec. 10 | October 1, 2017 | 14-96q(f) |

Statement of Purpose:

To amend statutes as recommended by the Department of Transportation regarding the regarding the notification of state construction contract opportunities, parking spaces, seat belts, motorcycle operators, wayside horns, the disposition of excess state property, heavy duty trailers and flashing lights on motor vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]